IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 8616 of 2006(A)

PETITIONER:

HELEN REENA P.J.,
MEDICAL RECORD LIBRARIAN GRADE II,
INSTITUTE OF CHILD HEALTH, MEDICAL COLLEGE,
KOTTAYAM-686 036.

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW
SMT.P.RETNAKUMARI

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, HEALTH & FAMILY
WELFARE DEPARTMESNT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2. DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM-695 011.

3. PRINCIPAL, MEDICAL COLLEGE,
KOTTAYAM-686 008.

4. SHRI.N. BABU, ADMINISTRATIVE OFFICER,
MEDICAL COLLEGE, KOTTAYAM-686 008.

R1 & R2 BY GOVERNMENT PLEADER (SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

APPENDIX IN W.P.(C) NO.8616 OF 2006 A

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF THE JUDGMENT DT. 28.6.2002 IN OP NOS.29494/00 j ND 29744/00 N.**
EXT.P2	**TRUE COPY OF ORDER NO.E2/28272/2000/DME DATED 9.12.2002 ALONG WITH THE FINAL SENIORITY LIST OF MRL GR. I ISSUED BY 2ND RESPONDENT.**
EXT.P3	**TRUE COPY OF ORDER NO.E2/28272/2000/DME DATED 31.12.2002 OF 2ND RESPONDENT.**
EXT.P4	**TRUE COPY OF REPRESENTATION DATED 11.8.03 TO THE 2ND RESPONDENT.**
EXT.P5	**TRUE COPY OF LETTER NO.E2/15837/05/MCK DATED 2.1.06 OF THE FOURTH RESPONDENT.**
EXT.P6	**TRUE COPY OF THE REPRESENTATION DATED 25.1.2006.**
EXT.P7	**TRUE COPY OF ORDER NO.ENI/21188/02/MCT DATED 17.1.06 OF THE ADMINISTRATIVE OFFICER, MEDICAL COLLEGE, THIRUVANANTHAPURAM.**
EXT.P8	**TRUE COPY OF THE STATEMENT OF FIXATION OF PAY NO.ENI/21188/MCT DATED 17.1.06.**
EXT.P9	**TRUE COPY OF THE LAWYER'S NOTICE DT. 10.2.2006.**
EXT.P10	**TRUE COPY OF THE FORM OF OPTION DATED 18.9.2006.**

RESPONDENTS' EXHIBITS:

EXT.R2(A)	**TRUE COPY OF THE ORDER DATED 12.9.2006.**
EXT.R2(B)	**TRUE COPY OF THE ORDER DATED 11.10.2006.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C NO. 8616 OF 2006 A

Dated this the 28th November, 2006

JUDGMENT

The Writ Petition is filed seeking the following reliefs:

"i) Issue a writ of mandamus or other appropriate writ, direction or order to the respondents to implement Exts.P2 and P3 and grant promotion to the petitioner to the post of MRL Gr.I with effect from 16.6.1997 and further fix the pay in that post on that basis, draw and disburse the salary including arrears;

ii) Issue a writ of mandamus or other appropriate writ, direction or order to the respondents to implement the order of reversion of the persons who are holding the post of MRL Gr.I even after Exts.P2 and P3 and recover the higher salary illegally allowed to be drawn by them since 9.12.2002;

iii) Issue a writ of mandamus or other appropriate writ, direction or order to respondents 1 and 2 to promote the petitioner to the post of Medical Record Superintendent in the first vacancy of Medical Record Superintendent that arose and existing in the Medical Education Service;

iv) Issue a writ of certiorari or other appropriate writ, direction or order calling for the records leading to Ext.P5 and quash the same;

> *v) Issue a writ of mandamus or other appropriate writ, direction or order to the 1st respondent to conduct an enquiry about the mal/corrupt administration/practice of the 4th respondent and take appropriate action against him."*

2. It is not in dispute that by the passing of Exts.R2(a) and R2(b), the first prayer of petitioner does not survive for further consideration. The further prayer pressed by learned counsel for petitioner is based on the contention that petitioner is entitled to promotion to the post of Medical Records Superintendent in the first vacancy which arose and existing in the Medical Education Service. This is a matter to be considered by first respondent. Accordingly, if the petitioner files a representation before first respondent, the first respondent will pass orders thereon in accordance with law within a period of one month from the date of receipt of the representation. The further complaint of petitioner is that she is entitled to fixation in the post of Medical Records Librarian Gr.II with effect from 24.10.1991. She claims the same on the basis of Ext.R2(a). This is a matter for the third

respondent to consider. Counsel for petitioner submits that petitioner will file a representation before third respondent. In the event of petitioner filing a representation before third respondent seeking benefit of fixation as aforesaid, the third respondent will consider the same and pass orders in accordance with law, within a period of three weeks from the date of receipt of the representation.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

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